

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) UNITED STATES OF AMERICA, *ex rel.*)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Plaintiff,)
))
v.) Case No. 14-CV-471-GKF-TLW)
))
(1) H&R ENTERPRISES, LLC,)
))
Defendant.)

FIRST AMENDED COMPLAINT

Plaintiff, the United States of America *ex rel.* the United States Environmental Protection Agency, by and through Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Cathryn D. McClanahan, Assistant United States Attorney, for its First Amended Complaint against H&R Enterprises, LLC, alleges as follows:

INTRODUCTION

1. This action seeks civil penalties under 31 U.S.C. §§ 3729, *et seq.* (the “False Claims Act”). This action arises from the conduct of the defendant in knowingly and willfully making false claims to the United States to obtain a construction contract and the payment of money from the United States.

JURISDICTION, VENUE, AND THE PARTIES

2. The United States brings this action on behalf of the United States Environmental Protection Agency (“EPA”), a federal agency, pursuant to 31 U.S.C. §§ 3729, *et seq.* (“False Claims Act”). This Court’s jurisdiction arises from 28 U.S.C. §1345 and 31 U.S.C. § 3732(a).

3. A substantial part of the events giving rise to the claims described in this First Amended Complaint occurred within the Northern District of Oklahoma. 28 U.S.C. § 1391.

4. The EPA administered funds for the construction project described in this First Amended Complaint.

5. At all times herein pertinent, Defendant H&R Enterprises, LLC, was an Oklahoma domestic limited liability company, doing business in the County of Tulsa, State of Oklahoma.

VIOLATIONS OF THE FALSE CLAIMS ACT

6. Plaintiff incorporates here all of the allegations set forth in paragraphs one through five above.

7. In or about December 2009, Defendant submitted a bid on a construction project for painting and improving multiple storage tanks in the City of Dimmitt, Texas (the “Construction Project”), which was funded by the United States of America and administered by the EPA.

a. For the Construction Project to qualify for funding, the law required Defendant to submit documentation certifying that the manufactured goods Defendant would use on the Construction Projection were produced in the United States.

b. In violation of the False Claims Act, Defendant knowingly and in reckless disregard for the truth submitted forged and falsified documents falsely stating that the manufactured goods to be used on the Construction Project were produced in the United States.

8. In reasonable reliance on the false statements of the Defendant, the Construction Contract was awarded to Defendant.

9. Defendant submitted the falsified documents to secure the contract for the Construction Project and thereby submitted a false claim in violation of the False Claims Act.

10. Pursuant to the False Claims Act, Defendant is liable to the United States for a civil penalty of not less than \$5,500.00 and not more than \$11,000.00 for the acts as set forth in this First Amended Complaint.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter judgment against Defendant, as follows:

1. For a penalty between \$5,500.00 and \$11,000.00, pursuant to the False Claims Act;
2. For the costs of suit incurred herein;
3. For all interest allowed by law; and
4. For such other and further relief as the Court deems just and proper.

Dated: October 1, 2014.

Respectfully submitted,

DANNY C. WILLIAMS, SR.
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